

[<<Back](#)



Charges Reduced Because of Loophole in Peeping Tom Law

Updated: Jan 26, 2008 10:07 PM CST

By Natalie Arnold

The Winnebago County district attorney's office says it's being forced to reduce charges against a man police say was spying in a girls locker room at Neenah High School.

Ironically, Kenneth Culver avoids a criminal charge that was inspired by his criminal history.

According to police, earlier this month 53-year old Culver found an unlocked door at Neenah High School and went in and out of the girls locker room five different times in less than 10 minutes, and even startled a girl in there.

For that, the district attorney's office felt five charges of invasion of privacy for sexual gratification -- violations of Wisconsin's Peeping Tom law -- were appropriate.

But the county prosecutor's office decided to reduce those charges to disorderly conduct.

When former Town of Menasha detective Cheryl Johnson was pushing the Legislature in 2003 to pass a Peeping Tom law, Culver was her inspiration. By then, police say, he had 42 disorderly conduct charges on his record all related to spying for sexual gratification.

Assistant District Attorney Tracy Paider says in her opinion there's a problem with the law. It's a problem that's so big, she says, that a judge might have dismissed the entire case against Culver.

It was brought to Paider's attention by Culver's defense attorney in this motion. The defense argues that the invasion of privacy law addresses places in businesses like fitness club locker rooms or dressing rooms at department stores, not areas in public venues like a locker room in a high school.

Paider didn't want to go on camera but she told Action 2 News over the phone that it would be hard to argue otherwise, so to make sure Culver was successfully charged with something she lowered the charges to disorderly conduct... charges he's faced before, before there was a Peeping Tom law.

Now if convicted, instead of facing up to nearly four years behind bars, Culver faces a little over a year.



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